

II  
F-1

**AGENDA ITEM  
REQUEST/JUSTIFICATION FORM**

*(To be completed by requesting Department)*  
*Forward all requests to Sharon Bourke, LC2 Civic Center*  
**DEADLINE SUBMITTAL IS 3:00 P.M. WEDNESDAY  
BEFORE THE TUESDAY MEETING**

Agenda item: Consent: Right of Way  
(i.e. Consent/Recognition-Proclamation/Presentation/Public Hearing/Committee, etc.)  
Date to be on agenda: August 2, 2016

Exact wording to be used for the agenda: Tom Doyle, Douglas County  
Engineer, requests the approval of the following: Right-of-Way Warranty Deed  
(\$18,900) and Temporary Construction (\$700) Tract 1 for Douglas County Project  
C-28(532) Fort Street W of 204th Street

Action Requested : Approve Acquisition

Amount requested: \$19,600.00 Object Code: \_\_\_\_\_

Is item in current year's budget? Yes X No \_\_\_\_\_

Does this item commit funds in future years? Yes \_\_\_\_\_ No X

If yes, explain: \_\_\_\_\_

If an agreement or contract, has the County Attorney reviewed and approved? Yes \_\_\_ No \_\_\_

Previous action taken on this item, if any: \_\_\_\_\_

Recommendations and rationale or action: \_\_\_\_\_

Will anyone speak on behalf of this item, if so who? Tom Doyle

If this is a rush agenda item, please explain why: \_\_\_\_\_

Submitted by (Name & Dept.): Tom Doyle, Engineer Ext. 6372

Date submitted: 07.20.16

List Attachments: Board letter, Resolution, Easement  
(Attach resolution and all pertinent documentation; i.e. contract, agreement, memorandums, etc.)

Certified resolutions can be obtained at the County Clerk's website:  
<http://www.douglascountyclerk.org/county-board-records/search-for-resolutions>

Completed by receiving office  
Received in Administrative Office: Date 7/22/16 Time \_\_\_\_\_

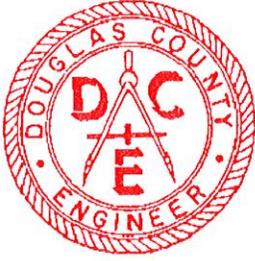
**BOARD OF COUNTY COMMISSIONERS  
DOUGLAS COUNTY, NEBRASKA**

*Resolved*

BE IT RESOLVED THIS BOARD authorizes the expenditure of \$19,600.00 for the cost of a Warranty Deed (\$18,900) and Temporary Construction Easement (\$700) for Tract #1, Douglas County Project No. C-28(532) Fort Street West of 204th Street; copies of which are attached hereto and incorporated herein by reference.

Grantors are: Carol B. McDonald, Trustee of the Carol B. McDonald Trust dated  
January 23, 2008

DATED THIS 2ND DAY OF AUGUST, 2016.



TOM DOYLE  
**DOUGLAS COUNTY ENGINEER**

15505 West Maple Road  
Omaha, Nebraska 68116-5173  
402-444-6372  
Fax: 402-444-6244  
engineer@douglascounty-ne.gov

August 2, 2016

Douglas County Board of Commissioners  
Omaha/Douglas Civic Center  
Omaha, Nebraska 68183

**RE:** DOUGLAS COUNTY PROJECT NO. C-28 (532)  
FORT STREETWEST OF 204TH STREET

Commissioners:

Authorization is requested for an expenditure of \$19,600.00 for the cost of a Warranty Deed (\$18,900) and Temporary Construction Easement (\$700) for the referenced project.

The grantors are: Carol B. McDonald, Trustee of the Carol B. McDonald Trust dated  
January 23, 2008

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Tom Doyle", is written over the typed name.

Thomas D. Doyle, P.E.  
Douglas County Engineer

TDD:MPO:dk

Attachments - Warranty Deed  
Temporary Easement  
Resolution

KNOW ALL MEN BY THESE PRESENTS

THAT I or We, CAROL B. MCDONALD, TRUSTEE OF THE CAROL B. MCDONALD TRUST DATED JANUARY 23, 2008, herein called the grantor whether one or more, in consideration of EIGHTEEN THOUSAND NINE HUNDRED & NO/100 DOLLARS (\$18,900.00) received from grantee, do hereby grant, bargain, sell, convey and confirm unto

DOUGLAS COUNTY, NEBRASKA

herein called the grantee whether one or more, the following described real property in Douglas County, Nebraska:

See Attached Exhibit "A" and "B"

To have and to hold the above described premises together with all tenements, hereditaments and appurtenances thereto belonging unto the grantee and to grantee's heirs and assigns forever.

And the grantor does hereby covenant with the grantee and with grantee's heirs and assigns that grantor is lawfully seized of said premises; that they are free from encumbrance except those of record, if any that grantor has good right and lawful authority to convey the same; and that grantor warrants and will defend the title to said premises against the lawful claims of all persons whomsoever.

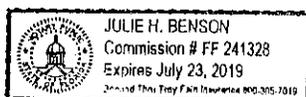
Dated July 5, 2016.

Carol B. McDonald  
Carol B. McDonald, Trustee of the Carol B. McDonald Trust Dated January 23, 2008

State of FLORIDA  
County of BREVARD

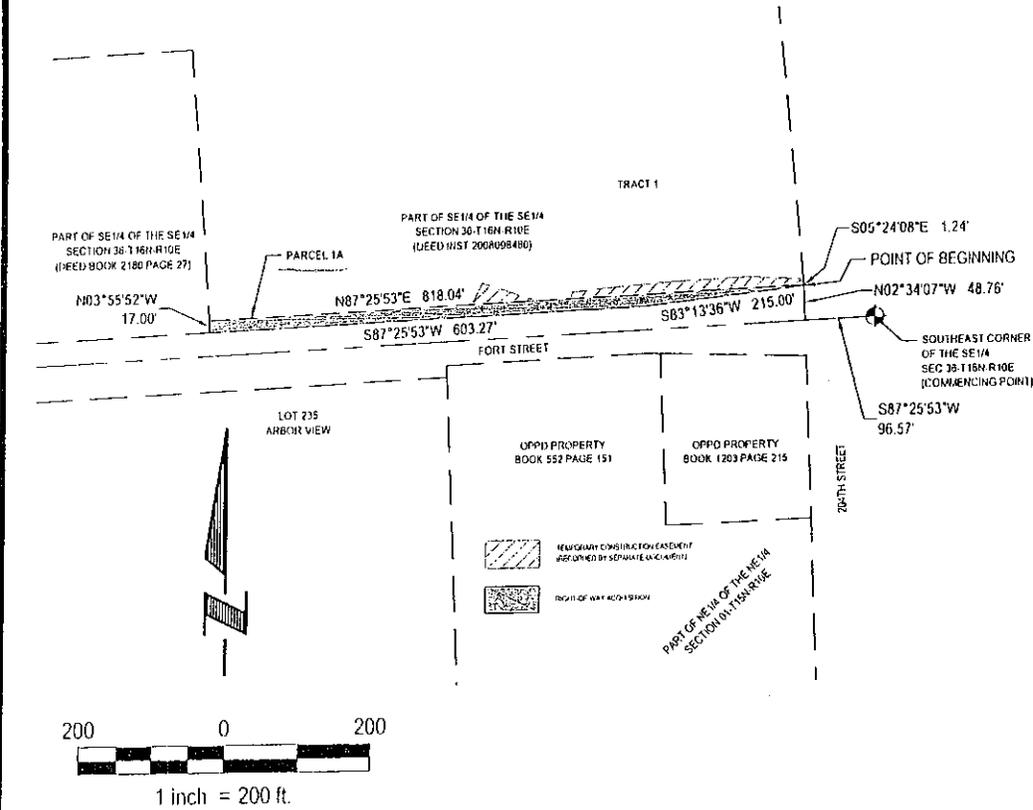
The foregoing instrument was acknowledged before me on July 5, 2016.

by Carol B. McDonald, Trustee of the Carol B. McDonald Trust dated January 23, 2008.



Julie H. Benson

# EXHIBIT "A"



**TRACT 1**  
**PARCEL 1A**  
**LAND ACQUISITION**

A RIGHT-OF-WAY ACQUISITION LOCATED IN PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 36, TOWNSHIP 16 NORTH, RANGE 10 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE 1/4 OF SECTION 36; THENCE S87°25'53"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 36, A DISTANCE OF 96.57 FEET; THENCE N02°34'07"W, A DISTANCE OF 48.76 FEET TO A POINT OF INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF FORT STREET AND THE WEST RIGHT-OF-WAY LINE OF 204TH STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE OF FORT STREET ON THE FOLLOWING TWO (2) COURSES: (1) THENCE S83°13'36"W, A DISTANCE OF 215.00 FEET; (2) THENCE S87°25'53"W, A DISTANCE OF 603.27 FEET; THENCE N03°55'52"W, A DISTANCE OF 17.00 FEET; THENCE N87°25'53"E, A DISTANCE OF 818.04 FEET TO A POINT ON SAID WEST RIGHT-OF-WAY LINE OF 204TH STREET; THENCE S05°24'08"E ALONG SAID WEST RIGHT-OF-WAY LINE OF 204TH STREET, A DISTANCE OF 1.24 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 12,214 SQUARE FEET OR 0.280 ACRES, MORE OR LESS.



**E & A CONSULTING GROUP, INC.**

Engineering • Planning • Environmental & Field Services

10909 Ash Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599

Drawn by: JRS	Chkd by:	Date: 02/05/2016
Job No: 2013.175.001		Revised: 02/23/16

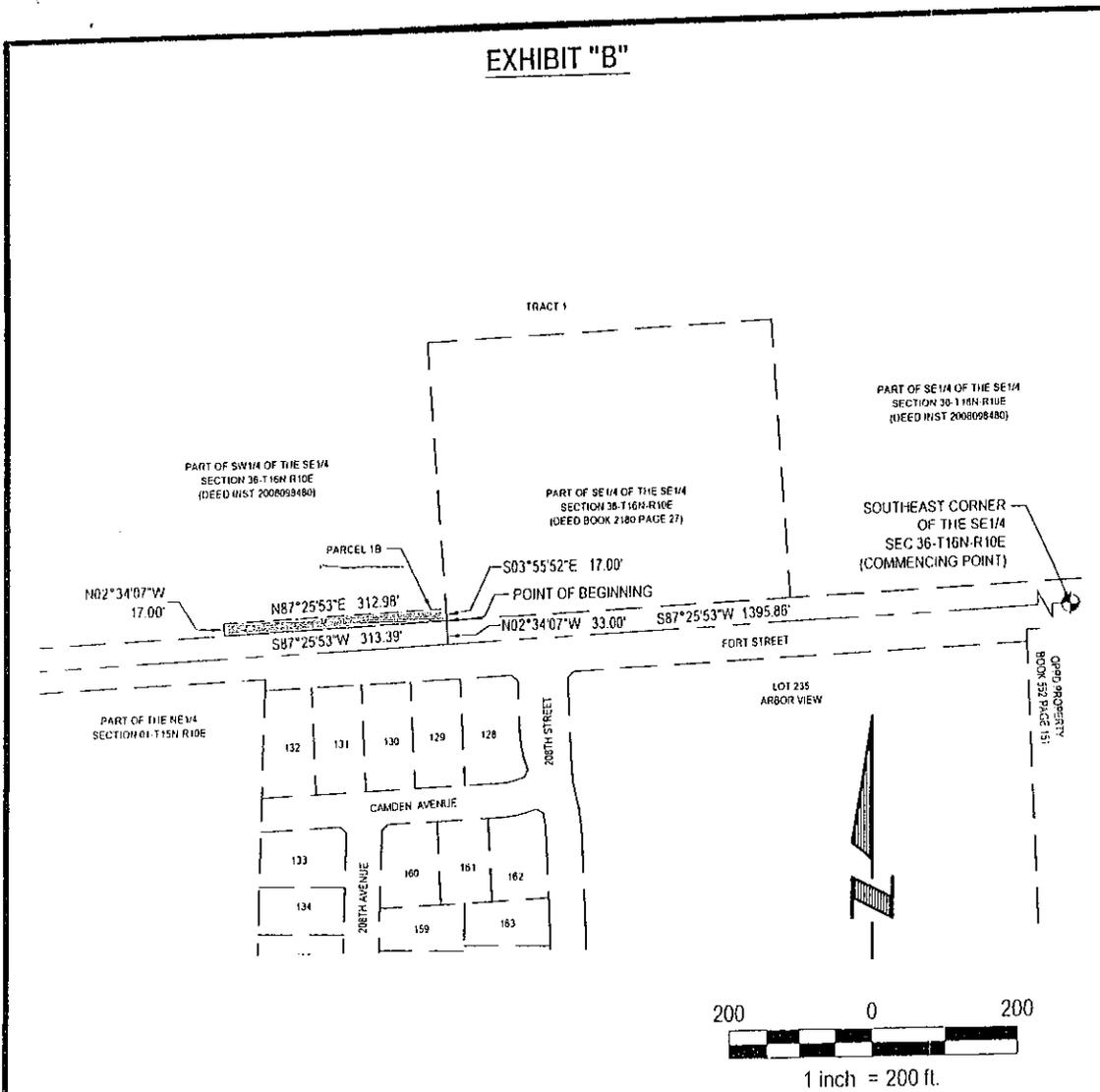
**CAROL B. MCDONALD TRUST**

**DATED JANUARY 23, 2008**

**PART OF THE SE 1/4 SECTION 36 - T16N - R10E**

DOUGLAS COUNTY, NEBRASKA

**EXHIBIT "B"**



**TRACT 1  
PARCEL 1B  
LAND ACQUISITION**

A RIGHT-OF-WAY ACQUISITION LOCATED IN PART OF THE SW1/4 OF THE SE1/4 OF SECTION 36, TOWNSHIP 16 NORTH, RANGE 10 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE1/4 OF SECTION 36; THENCE S87°25'53"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SE1/4 OF SECTION 36, A DISTANCE OF 1395.86 FEET; THENCE N02°34'07"W, A DISTANCE OF 33.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF FORT STREET, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S87°25'53"W ALONG SAID NORTH RIGHT-OF-WAY LINE OF FORT STREET, A DISTANCE OF 313.39 FEET; THENCE N02°34'07"W, A DISTANCE OF 17.00 FEET; THENCE N87°25'53"E, A DISTANCE OF 312.98 FEET; THENCE S03°55'52"E, A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 5,324 SQUARE FEET OR 0.122 ACRES, MORE OR LESS.

<p><b>E &amp; A CONSULTING GROUP, INC.</b> Engineering • Planning • Environmental &amp; Field Services 10909 151st Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.4700 • Fax: 402.895.3599</p>	<p><b>CAROL B. MCDONALD TRUST</b> DATED JANUARY 23, 2008 PART OF THE SE1/4 SECTION 36 - T16N - R10E DOUGLAS COUNTY, NEBRASKA</p>	
	<p>Drawn by: JRS   Chkd by: _____ Job No.: 2013.175.001</p>	<p>Date: 02/05/2016 Revised: 02/18/16</p>

TEMPORARY CONSTRUCTION EASEMENT

THIS INDENTURE, made this 5 day of July, 2016.  
Between Carol B. McDonald, Trustee of the Carol B. McDonald Trust Dated January 23, 2008 hereinafter referred to as "Grantor(s)," and the County of Douglas, State of Nebraska, hereinafter referred to as "County."

WITNESSETH:

THAT, said Grantor(s) in consideration of the sum of SEVEN HUNDRED & NO/100 Dollars (\$700.00) and other valuable consideration, does or do hereby grant and confirm unto said County and its assigns, the right to use the parcel of land described as follows, to wit:

SEE ATTACHED EXHIBIT "C" & "D"

LIVESTOCK FENCE AND GATES ON SOUTH PROPERTY LINE TO BE RELOCATED TO THE 50 FEET ROW LINE BY CONTRACTOR. CONTRACTOR TO REVAMP NORTH-SOUTH FENCES TO CONNECT TO RELOCATED FENCE ON SOUTH PROPERTY LINE.

This easement runs with the land and shall commence at the start of construction and terminate thirty (30) days after the improvement is completed.

Said easement is granted upon the condition that the County will remove or cause to be removed, all presently existing improvements thereon, including, but not limited to, crops, vines, gardens and lawns within the easement area as necessary for construction, with the following exceptions:

The area disturbed under this easement will be seeded upon completion of construction.  
*(soiled, seeded, paved, etc.)*

This easement is also for the benefit of any contractor, agent, employee and representative of the County in any of said construction and work.

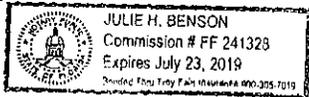
Said Grantor(s) for himself or themselves and his or their heirs, executors and administrators does or do confirm with the said County and its assigns, that Grantor(s) have the right to grant this easement in the manner and form aforesaid, and that he or they will, and he or their heirs, executors and administrators shall warrant and defend this easement to said County and its assigns against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, said Grantor(s) has or have hereunto set his or their hand(s) and seal(s) the day and year first above written.

Carol B. McDonald  
Carol B. McDonald, Trustee of the  
Carol B. McDonald Trust Dated January 23, 2008

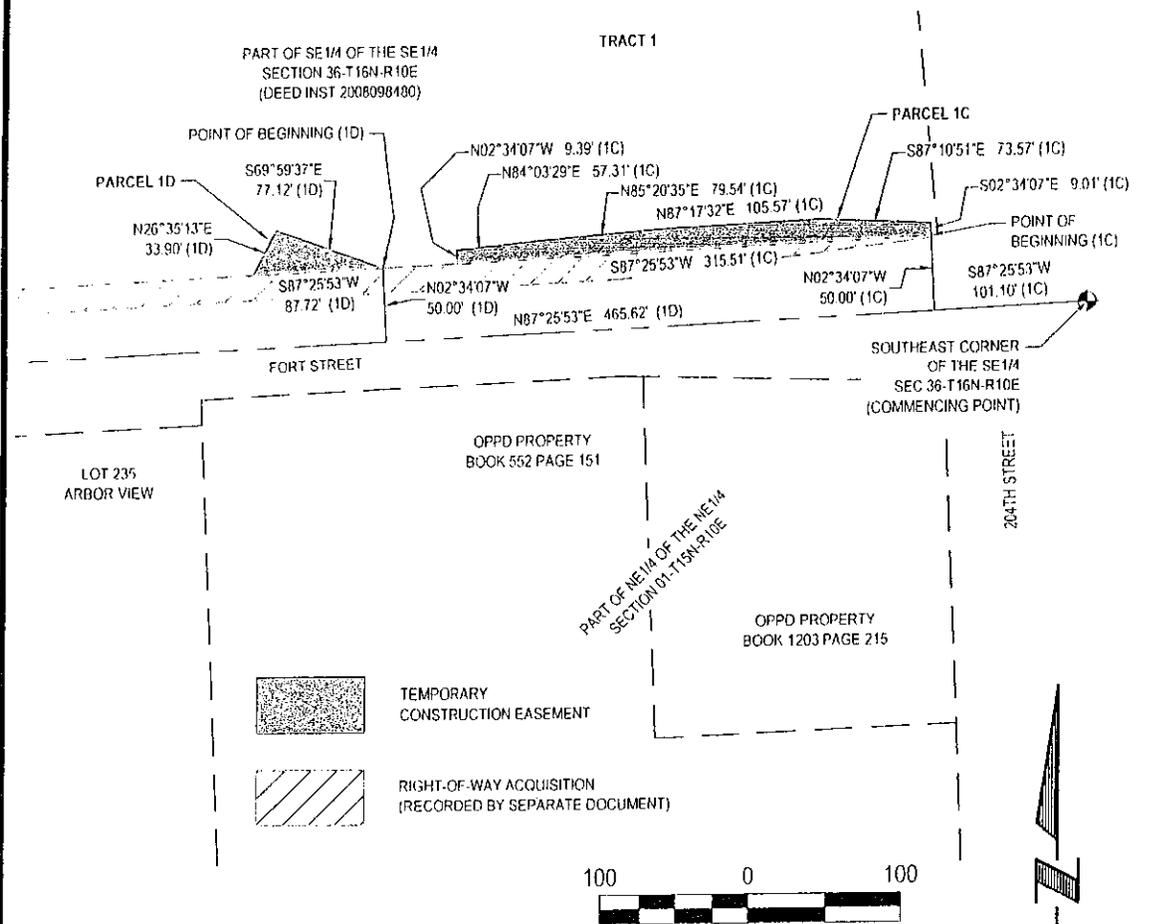
STATE OF FLORIDA  
COUNTY OF BREVARD

The foregoing instrument was acknowledged before me on July 5, 2016.  
By Carol B. McDonald, Trustee of the Carol B. McDonald Trust  
dated January 23, 2008



by: Julie H. Benson

**EXHIBIT "C" - "D"**



**TRACT 1**  
**PARCEL 1C**  
**TEMPORARY EASEMENT**

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 36, TOWNSHIP 16 NORTH, RANGE 10 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE 1/4 OF SECTION 36; THENCE S87°25'53"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 36, A DISTANCE OF 101.10 FEET; THENCE N02°34'07"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S87°25'53"W, A DISTANCE OF 315.51 FEET; THENCE N02°34'07"W, A DISTANCE OF 9.39 FEET; THENCE N84°03'29"E, A DISTANCE OF 57.31 FEET; THENCE N85°20'35"E, A DISTANCE OF 79.54 FEET; THENCE N87°17'32"E, A DISTANCE OF 105.57 FEET; THENCE S87°10'51"E, A DISTANCE OF 73.57 FEET; THENCE S02°34'07"E, A DISTANCE OF 9.01 FEET TO THE POINT OF BEGINNING

SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 4,344 SQUARE FEET OR 0.100 ACRES, MORE OR LESS.

**TRACT 1**  
**PARCEL 1D**  
**TEMPORARY EASEMENT**

A TEMPORARY CONSTRUCTION EASEMENT LOCATED IN PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 36, TOWNSHIP 16 NORTH, RANGE 10 EAST OF THE 6TH P.M., DOUGLAS COUNTY, NEBRASKA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SE 1/4 OF SECTION 36; THENCE S87°25'53"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID SE 1/4 OF SECTION 36, A DISTANCE OF 465.62 FEET; THENCE N02°34'07"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; THENCE S87°25'53"W, A DISTANCE OF 87.72 FEET; THENCE N26°35'13"E, A DISTANCE OF 33.90 FEET; THENCE S69°59'37"E, A DISTANCE OF 77.12 FEET TO THE POINT OF BEGINNING.

SAID TEMPORARY CONSTRUCTION EASEMENT CONTAINS 1,299 SQUARE FEET OR 0.030 ACRES, MORE OR LESS.



**E & A CONSULTING GROUP, INC.**

Engineering • Planning • Environmental & Field Services

18909 Mill Valley Road, Suite 100 • Omaha, NE 68154 Phone: 402.895.1700 • Fax: 402.895.3599

**CAROL B. MCDONALD TRUST**

**DATED JANUARY 23, 2008**

**PART OF THE SE 1/4 SECTION 36 - T16N - R10E**

DOUGLAS COUNTY, NEBRASKA

Drawn by: JRS Chkd by: Date: 02/05/2016  
 Job No: 2013.175.001 Revised: 05/10/16